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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,829	03/06/2000	Sten-Olov Engberg	APRILS.001A	8563
20995	7590	05/24/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			HENEGHAN, MATTHEW E	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR			2134	
IRVINE, CA 92614			12	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/519,829	ENGBERG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew Heneghan	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 March 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 28-53 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 28-53 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. In response to the first office action, claim 37 has been amended. Claims 28-53 have been examined.

### ***Drawings***

2. The drawings were received on 11 March 2004. These drawings are acceptable.

### ***Claim Objections***

3. Claim 53 is objected to because of the following informalities: In the claim as recited in the most recent amendment, the claim is dependent on non-existent claim 59. It is being presumed that the claim actually depends on claim 50, as was originally recited. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 28-31 and 43-53 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,323,146 to Glaschick.

As per claims 28-31, 43-47, and 49-53, Glaschick discloses a system wherein a user communicating with a computer system from a data station (a personal communications device). In response to a user announcement, the computer sends a random number to the data station, which then adds (concatenates) it to the password and sends it back to the computer to authenticate the user (see column 1, lines 52-68).

Regarding claim 48, the invention disclosed by Glaschick is an improvement over this system (see column 2, lines 20-40). The one-way function disclosed is a type of hash function (see column 3, lines 36-51).

5. Claims 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,226,364 to O'Neil.

As per claim 37, the user is associated with the phone and the account, and the account is activated by way of a prepaid telephone service card activation unit in response to the user request (see abstract).

As per claim 38, temporary accounts may be used (see column 19, lines 61-65). A temporary customer profile defines the limitations of the account (see column 4, lines 60-65). Temporary accounts inherently expire when they are exhausted.

As per claim 39, verification involves the user transmitting the card's serial number, which constitutes a password (see column 17, lines 16-23).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32-36 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,226,364 to O'Neil as applied to claims 28 and 39 above, and further in view of U.S. Patent No. 5,323,146 to Glaschick.

Regarding claims 40-42, the telephone service system disclosed by O'Neil does include the claimed password protocol for logging on to the system.

Glaschick discloses the claimed protocol, as described above, and further notes that this protocol is used to prevent a privileged user from acquiring the password of a user by reading it from the memory (see column 1, lines 27-31).

Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the system of O'Neil by employing the password system disclosed by Glaschick, in order to prevent a privileged user from acquiring the password of a user by reading it from the memory.

As per claim 32, O'Neil discloses the use of cellular phones (see column 10, lines 25-56).

As per claim 33, O'Neil discloses the use of paging systems (see column 11, lines 35-48).

As per claims 34-36, a user database is used (see column 16, lines 2-20).

### ***Response to Arguments***

7. Applicant's arguments, see Paper No. 11, filed 11 March 2004, with respect to the rejections of claims 28-53 under 35 U.S.C. 102 and 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection are made as described above.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 4:00 PM Eastern Time. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306  
Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MEH *MEH*  
May 13, 2004

*Gregory Morse*  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100